

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
	)	
<b>National Association of State Utility Consumer</b>	)	<b>CG Docket No. 04-208</b>
<b>Advocates' Petition for Declaratory Ruling</b>	)	
<b>Regarding Truth-in-Billing</b>	)	

**COMMENTS OF THE UTILITY REFORM NETWORK AND  
UTILITY CONSUMERS ACTION NETWORK**

Regina Costa  
Telecommunications Research Director

THE UTILITY REFORM NETWORK  
711 VanNess Avenue, Suite 350  
San Francisco, CA 94102  
Tel: (415) 929-8876

Michael Shames  
Executive Director

UTILITY CONSUMERS ACTION NETWORK  
3100 5<sup>th</sup> Avenue, Suite B  
San Diego, CA 92103  
Tel: (619) 696-6966

Date: July 14, 2004

## Table of Contents

<u>I. INTRODUCTION</u> .....	1
<u>A. Summary of TURN and UCAN's Position</u> .....	2
<u>B. Statement of TURN and UCAN's Interest</u> .....	2
<u>II..... DISCUSSION</u> .....	3
<u>IV. CONCLUSION</u> .....	4

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
	)	
<b>National Association of State Utility Consumer</b>	)	<b>CG Docket No. 04-208</b>
<b>Advocates' Petition for Declaratory Ruling</b>	)	
<b>Regarding Truth-in-Billing</b>	)	

**COMMENTS OF THE OFFICE OF THE UTILITY REFORM NETWORK AND  
UTILITY CONSUMERS ACTION NETWORK**

**I. INTRODUCTION**

The Utility Reform Network (TURN) and Utility Consumers Action Network (UCAN) hereby respectfully submit these Comments pursuant to the Federal Communications Commission's ("FCC" or "Commission") Public Notice ("*Notice*") issued May 25, 2004.<sup>1</sup> TURN and UCAN are non-profit organizations that have represented the interests of California utility customers for many years in both federal and state proceedings. TURN is a California statewide organization that has represented consumers for over 30 years. UCAN has represented the people of San Diego, California since 1984. Both TURN and UCAN were active participants in the California Public Utilities Commission (CPUC) Rulemaking that adopted comprehensive consumer

---

<sup>1</sup> *In re National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing ("Petition")* CG Docket No. 04-208 (May 25, 2004). On June 24, 2004, the FCC granted NASUCA's Motion for an Extension of Time to File Reply Comments and revised the reply comment filing date to August 13, 2004. (DA 04-1820, rel. June 24, 2004).

protection rules and established the Telecommunications Bill of Rights for California telecommunication customers.<sup>2</sup>

In its *Notice*, the Commission seeks comment on the National Association of State Utility Consumer Advocates' ("NASUCA") Petition for Declaratory Ruling ("Petition") concerning Truth-in-Billing ("TIB") and billing formats for both wireline and wireless carriers.<sup>3</sup>

**A. Summary of TURN and UCAN's Position**

TURN and UCAN support NASUCA's Petition that recommends the FCC prohibit telecommunications carriers from imposing monthly line-item charges, surcharges, or other fees on customers' bills unless such charges have been expressly mandated by a regulatory agency. TURN and UCAN believe that granting NASUCA's Petition would well serve the interests of all consumers, including those in California whom we represent. Accordingly, we request that the FCC issue a Declaratory Ruling adopting NASUCA's Petition and the recommendations discussed therein.

**B. Statement of TURN's and UCAN's Interest**

TURN and UCAN's interest in this proceeding is to ensure that California telecommunications customers receive clear, accurate and non-misleading information that allows them to fully understand their telecommunications bills, effectively compare rates between various telecommunications services and providers, and pay only those charges that are just, reasonable and non-discriminatory. Telecommunications carriers

---

<sup>2</sup> *Order Instituting Rulemaking on the Commission's own motion to Establish Consumer Rights and Consumer Protection Rules Applicable to All Telecommunications Utilities*, R.00-02-004.

<sup>3</sup> TURN and UCAN are members of NASUCA.

should not be permitted to place deceptive and misleading charges on telecommunications service bills.

## **II. DISCUSSION**

Despite the best efforts of the Commission, and numerous state commissions, to foster the provision of accurate information to customers by telecommunications carriers, the practice of placing deceptively labeled charges on telecommunications bills has grown by leaps and bounds. This was amply demonstrated in NASUCA's petition.

The FCC has adopted general principles to foster Truth In Billing (TIB).<sup>4</sup> Unfortunately, these principles have not been put into practice. The failure of telecommunications providers in all sectors of the industry to follow the letter and the spirit of the TIB principles is reflected in the fact that the National Association of Regulatory Utility Commissioners (NARUC) has since passed a series of resolutions expressing concern about the charges imposed by wireless carriers and calling for the establishment of a consumer bill of rights that includes the right of telecommunications consumers to receive clear and complete information about the rates, terms and conditions for available products and services. These resolutions were passed on July 30, 2003 and July 31, 2002, respectively. Clearly, previous FCC actions have not been fully effective and further action needs to be taken to ensure that Truth In Billing is realized.

A truly competitive telecommunications marketplace can bring substantial benefits to consumers. However, in order for true competition to exist, the information provided about the rates, terms and conditions of service must be accurate. As NASUCA's petition thoroughly demonstrated, the various sectors of the

---

<sup>4</sup> *In re Truth-In-Billing Format, First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 98-170, FCC 99-72 (May 11, 1999).

telecommunications market place have failed to police themselves. The result is a proliferation of deceptive, misleading charges that serve no other purpose than to line the pockets of carriers who then hide behind a false “regulatory fee” curtain. It is time for this to stop.

#### **IV. CONCLUSION**

For the foregoing reasons, TURN and UCAN respectfully request that the Commission issue a Declaratory Ruling adopting NASUCA’s Petition and recommendations discussed therein.

Respectfully submitted,

Regina Costa  
Telecommunications Research Director

THE UTILITY REFORM NETWORK  
711 VanNess Avenue, Suite 350  
San Francisco, CA 94102  
Tel: (415) 929-8876

Michael Shames  
Executive Director

UTILITY CONSUMERS ACTION  
NETWORK  
3100 5<sup>th</sup> Avenue, Suite B  
San Diego, CA 92103  
Tel: (619) 696-6966

**Date:** July 14, 2004